

EXHIBIT A

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF QUEENS

-----X
EBONY JOHNSON-KEE as Proposed Administrator of the
Estate of SHARIEF RUSSELL JR Deceased,

Plaintiff(s),

-v-

SUMMONS

SARAH MARIE SPADAFINA MD and THE FLOATING
HOSPITAL (INCORPORATED),

Defendant(s).

-----X
To the above named defendant(s):

You are hereby summoned to answer the complaint in this action and to serve a copy of your answer or, if the complaint is not served with this summons, to serve a notice of appearance on the undersigned within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded herein.


Queens County is designated as the place of trial. The basis of venue is the county in which one of the parties resides. The relief sought is monetary damages.

Plaintiff(s): 4007 10th St, Queens, NY

Sarah Marie Spadafina MD: c/o Northwell Health Physician Partners Medicine
Specialties at Bellmore, 1872 Bellmore Ave, North Bellmore, NY 11710
The Floating Hospital (Incorporated): 41-40 27th St, Long Island City, NY 11101

Dated: Yonkers, New York

November 20, 2020



The Fitzgerald Law Firm, P.C.
Attorneys for Plaintiff
By: James P. Fitzgerald, Esq.
538 Riverdale Avenue
Yonkers, New York 10705
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File No.: F19103

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF QUEENS

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EBONY JOHNSON-KEE as Proposed Administrator of the
Estate of SHARIEF RUSSELL JR Deceased,

Plaintiff(s),

-v-

**VERIFIED
COMPLAINT**

SARAH MARIE SPADAFINA MD and THE FLOATING
HOSPITAL (INCORPORATED),

Defendant(s).

-----X Jury Trial Demanded

Plaintiff(s), through attorneys, The Fitzgerald Law Firm, P.C., alleges, upon
information and belief, the following:

THE PARTIES

1. Plaintiff, EBONY JOHNSON-KEE, is the mother and natural guardian of
decedent SHARIEF RUSSELL JR, and has resided at all times material hereto in Queens
County, New York. Decedent died on February 2, 2018.

2. Plaintiff's application to be appointed the administrator of the estate of Decedent
was filed on November 9, 2020 in the New York State Surrogates Court, Kings County,
and is pending; however, the instant action is being filed and commenced at this time due
to the applicable Statute of Limitations.

3. Defendant, SARAH MARIE SPADAFINA MD was a physician duly licensed to
practice medicine in the State of New York at all pertinent times alleged herein.

4. Defendant, THE FLOATING HOSPITAL (INCORPORATED), is a hospital
existing under and by virtue of the laws of the State of New York, and a domestic not-
for-profit corporation, with its principal place of business located at 41-40 27th St, Long
Island City, NY 11101.

5. Defendant, THE FLOATING HOSPITAL (INCORPORATED), employed all medical providers involved in the care and treatment of Decedent during the relevant times, including but not limited to, SARAH MARIE SPADAFINA MD.

**AS AND FOR A FIRST CAUSE OF ACTION
FOR CONSCIOUS PAIN AND SUFFERING**

6. Defendant(s) and agents, servants, and employees undertook to attend and provide medical care for Decedent in a reasonable, proper, and skillful manner during the Decedent's care at The Floating Hospital, on or about November 20, 2018 until decedent's death on November 20, 2018.

7. Defendant(s) and agents, servants, and employees were negligent and committed malpractice in their treatment of Decedent by, but not limited to failure to heed infant's medical history, vital signs, including respiratory rate with intercostal retractions, and failure to transfer infant to a medical facility with higher care.

8. Defendant(s) and agents, servants, and employees provided the care to Decedent and Decedent's mother at the facilities owned and operated by Defendant, THE FLOATING HOSPITAL (INCORPORATED).

9. Decedent sustained severe and permanent injuries, including, but not limited to, pre-death conscious pain and suffering up until Decedent's untimely death as a result of the negligence and malpractice of Defendant(s) and agents, servants, and employees.

10. The injuries and damages sustained by Decedent were caused solely by the negligence of Defendant(s) and agents, servants, and employees without any negligence on the part of Decedent or Decedent's mother contributing thereto.

11. Plaintiff's Decedent sustained damages in excess of the jurisdictional limits of all lower courts, which might otherwise have jurisdiction.

AS AND FOR A SECOND CAUSE OF ACTION
FOR WRONGFUL DEATH

12. As a result of the negligence of Defendant(s) and agents, servants, and employees, Decedent sustained severe injuries, which resulted in an untimely death.

13. Decedent left surviving next-of-kin and/or distributees.

14. As a consequence of the foregoing, Decedent's estate became liable for funeral and other expenses.

15. As a consequence of the foregoing, Decedent's next-of-kin and/or distributees lost the services, income, support, and guidance of the Decedent, and all were economically damaged in a sum in excess of the jurisdictional limits of all lower courts which might otherwise have jurisdiction.

16. Defendant(s) and agents, servants, and employees performed some and failed to perform other medical treatments, procedures, surgeries, and/or diagnostic procedures upon Plaintiff patient(s) without obtaining the informed consent of Plaintiff patient(s), including but not limited to failure to refer to a facility of higher medical care.

AS AND FOR A THIRD CAUSE OF ACTION
FOR LACK OF INFORMED CONSENT

17. Defendant(s) and agents, servants, and employees failed to advise Plaintiff patient(s) of the risks, dangers, and consequences associated with the performance or non-performance of the aforesaid medical treatments, procedures, surgeries, and diagnostic procedures.

18. A reasonably prudent person in the position of Plaintiff patient(s) would not have permitted, allowed, or undergone the medical treatments, procedures, surgeries, and/or

diagnostic procedures and would have chosen a different course of treatment if he/she had been fully informed of the risks, dangers, and consequences.

19. As a result of the aforesaid medical treatments, procedures, surgeries, and/or diagnostic procedures being withheld or performed upon Plaintiff patient(s), without the informed consent of Plaintiff patient(s), Plaintiff(s) sustained personal damages.

20. Such a lack of informed consent is a proximate cause of the damages to Plaintiff(s) for which relief is sought herein.

21. Plaintiff(s) sustained severe and permanent injuries as a result of the failure to obtain an informed consent by Defendant(s) and agents, servants, and employees.

22. The injuries and damages sustained by Plaintiff(s) were caused solely by the negligence and malpractice of Defendant(s) and agents, servants, and employees without any negligence on the part of Plaintiff patient(s) contributing thereto.

Plaintiff(s) sustained damages in excess of the jurisdictional limits of all lower courts, which might otherwise have jurisdiction

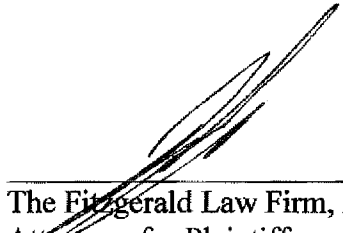
STATEMENT REGARDING EXCEPTIONS IN CPLR ARTICLE 1602

26. One or more of the exceptions in CPLR § 1602, including but not limited to Subsection 2(iv) and 7 are applicable to all causes of action and Defendant is jointly and severally liable with all other tortfeasors whether parties to this action or not.

Wherefore, Plaintiff demands judgment against Defendant on all causes of action in an amount that exceeds the jurisdictional limitations of all lower courts that would

otherwise have jurisdiction over this action, together with the interest, costs, and disbursements of same as allowed by law.

Dated: Yonkers, New York
November 20, 2020



The Fitzgerald Law Firm, P.C.
Attorneys for Plaintiff
By: James P. Fitzgerald, Esq.
538 Riverdale Avenue
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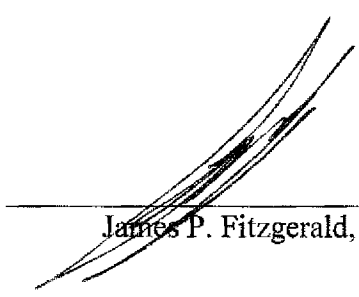
VERIFICATION

STATE OF NEW YORK)
) ss.:
COUNTY OF WESTCHESTER)

The undersigned, an attorney duly admitted to practice in the State of New York,
under the penalties of perjury affirms as follows:

1. I am one of the attorneys for Plaintiff(s) in this action.
2. I have read the foregoing Complaint and know the contents thereof; the same is true to my own knowledge, except as to the matters therein stated to be alleged on information and belief and, as to those matters, I believe them to be true.
3. The reason this verification is made by me and not by Plaintiff(s) is that Plaintiff(s) is/are not presently within the county wherein the attorneys' offices are located.
4. The grounds of my belief as to all matters not stated upon my own knowledge are investigations made and reports of investigation received by me.

Dated: Yonkers, New York
 November 20, 2020



James P. Fitzgerald, Esq.

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF QUEENS

-----X
EBONY JOHNSON-KEE as Proposed Administrator of the
Estate of SHARIEF RUSSELL JR Deceased,

Plaintiff(s),

-v-

**CERTIFICATE OF
MERIT**

SARAH MARIE SPADAFINA MD and THE FLOATING
HOSPITAL (INCORPORATED),

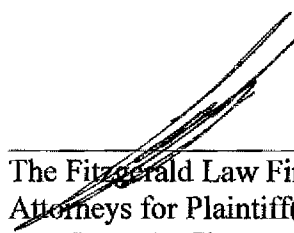
Defendant(s).

-----X
Pursuant to CPLR § 3012-a, the undersigned, an attorney duly admitted to
practice before the Courts of the State of New York, hereby affirms the following under
the penalties of perjury:

1. I am associated with the firm of The Fitzgerald Law Firm, P.C., attorneys for
Plaintiff(s) herein. I am familiar with the facts and circumstances of this proceeding.
This affirmation is made upon information and belief, the source of your affirmant's
knowledge being the file maintained by this office.

2. The facts of the case have been reviewed and at least one physician has been
consulted with who is licensed to practice in this state or any other state and who is
reasonably believed to be knowledgeable in the relevant issues involved in this action,
and it has been concluded on the basis of such review and consultation that there is a
reasonable basis for the commencement of this action.

Dated: Yonkers, New York
November 20, 2020


The Fitzgerald Law Firm, P.C.
Attorneys for Plaintiff(s)
By: James P. Fitzgerald, Esq.
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SARAH MARIE SPADAFINA MD and THE FLOATING
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Defendant(s).

-----X

**NOTICE OF ELECTRONIC FILING
(Mandatory Case)
(Uniform Rule § 202.5-bb)**

You have received this Notice because:

- 1) The Plaintiff/Petitioner, whose name is listed above, has filed this case using the New York State Courts E-filing system ("NYSCEF"), and
- 2) You are a Defendant/Respondent (a party) in the case.

• **If you are represented by an attorney:**

Give this Notice to your attorney. (Attorneys: see "Information for Attorneys" pg. 2).

• **If you are not represented by an attorney:**

You will be served with all documents in paper and you must serve and file your documents in paper, unless you choose to participate in e-filing.

If you choose to participate in e-filing, you must have access to a computer and a scanner or other device to convert documents into electronic format, a connection to the internet, and an e-mail address to receive service of documents.

The benefits of participating in e-filing include:

- serving and filing your documents electronically
- free access to view and print your e-filed documents
- limiting your number of trips to the courthouse
- paying any court fees on-line (credit care needed)

To register for e-filing or for more information about how e-filing works:

- visit: www.nycourts.gov/efile-unrepresented or

- contact the Clerk's Office or Help Center at the court where the case was filed. Court contact information can be found at www.nycourts.gov

To find legal information to help you represent yourself visit www.nycourthelp.gov

**Information for Attorneys
(E-filing is Mandatory for Attorneys)**

An attorney representing a party who is served with this notice must either:

- 1) immediately record his or her representation within the e-filed matter on the NYSCEF site www.nycourts.gov/efile; or
- 2) file the Notice of Opt-Out form with the clerk of the court where this action is pending and serve on all parties. Exemptions from mandatory e-filing are limited to attorneys who certify in good faith that they lack the computer hardware and/or scanner and/or internet connection or that they lack (along with all employees subject to their discretion) the knowledge to operate such equipment. [Section 202.5-bb(e)]

For additional information about electronic filing and to create a NYSCEF account, visit the NYSCEF website at www.nycourts.gov/efile or contact the NYSCEF Resource Center (phone: 646-386-3033; e-mail: nyscef@nycourts.gov).

Dated: November 20, 2020

James P. Fitzgerald, Esq.

The Fitzgerald Law Firm, P.C.

Attorneys for Plaintiff(s)

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2/24/20

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SARAH MARIE SPADAFINA MD and THE FLOATING
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Defendant(s).

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SUMMONS
VERIFIED COMPLAINT
CERTIFICATE OF MERIT IN MEDICAL MALPRACTICE ACTION
NOTICE OF ELECTRONIC FILING

THE FITZGERALD LAW FIRM, P.C.

Attorneys for Plaintiff
538 Riverdale Avenue
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Tel: (914) 378-1010
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File No.: F19103

Certification Pursuant to 22 NYCRR § 130-1.1a(b)

I hereby certify pursuant to 22 NYCRR § 130-1.1a(b) that, to the best of my knowledge, information and belief, formed after an inquiry reasonable under the circumstances, the presentation of the papers herein or the contentions therein are not frivolous as defined in 22 NYCRR § 130-1.1(c).


THE FITZGERALD LAW FIRM, P.C.

Attorneys for Plaintiff

By: James P. Fitzgerald, Esq.